

**TERMINAL DISCLAIMER TO OBLVIAE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING "REFERENCE" APPLICATION**Docket Number  
EGM-101/US

First Named Inventor: Eric J. Godtland

Application Number: 10/824727

Filing Date: 4/14/2004

Title: Automatic Selection, Recording and Meaningful Labeling of Clipped Tracks From Broadcast Media Without an Advance Schedule

The owner\*, Eric J. Godtland et al., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 10/946330, filed on 9/20/2004, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application, 'as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application,' in the event that: any such patent granted on the pending reference application expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney or agent of record. Reg. No. 55,399

/ Robert Lodenkamper / Reg.No. 55,399

April 2, 2008

Signature

Date

Robert Lodenkamper

650-424-0100

Typed or Printed Name

Telephone Number

3. Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 USC 122 and 37 CFR 1.11 and 1.14.  
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



## FEE TRANSMITTAL for FY 2007

		Application Number	10/824727
		Filing Date	4/14/2004
		First Named Inventor	Eric J. Godtland
		Art Unit	2621
<input type="checkbox"/> Applicant claims small entity status. See CFR 1.27.		Examiner Name	Dunn, Mishawn N
<b>TOTAL AMOUNT OF PAYMENT</b>	<b>\$65</b>	Attorney Docket Number	EGM-101/US

### METHOD OF PAYMENT (*Check all that apply*)

- A check or money order is enclosed to cover the filing fees.  
 Payment by credit card. Form PTO-2038 is attached.

### FEE CALCULATION

#### 1. Basic Filing, Search and Examination Fees

Application Type:	Filing Fees		Search Fees		Examination Fees		Fees Paid (\$)
	Fee(\$)	Fee(\$) Small Entity	Fee(\$)	Fee(\$) Small Entity	Fee(\$)	Fee(\$) Small Entity	
Utility	310	155	510	255	210	105	\$0
Design	210	105	100	50	130	65	
Reissue	310	155	510	255	620	310	
Provisional	210	105	0	0	0	0	

#### 2. Excess Claims Fees

- 2.1 Each claim over 20 or for reissues, each claim over 20 and more than in the original patent \$50 (\$25 small entity)  
2.2 Each independent claim over 3, or for reissues, each independent claim more than in the original patent \$200 (\$100 small entity)  
2.3 Multiple dependent claims \$360 (\$180 small entity)

Total Claims	Threshold	=	Extra Claims	Fee (\$)	
28	- 28	=	0	X \$50 (\$25)	\$0
Indep. Claims	Threshold	=	Extra Claims	Fee (\$)	
3	- 3	=	0	X \$210 (\$105)	\$0
Multiple Dep. Claims				Fee (\$)	
<input type="checkbox"/>				\$370 (\$185)	

#### 3. Application Size Fee

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof (round up to whole number). See USC 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Fee (\$)	
- 100 =	/50 =	X \$260 (\$130)	\$0

#### 4. Other Fee(s)

Non-English specification (\$130 fee, no small entity discount)	
Other: Terminal Disclaimer	65.00

SIGNATURE / Robert Lodenkamper / Reg.No. 55,399

PRINTED NAME	Robert Lodenkamper	TELEPHONE	650-424-0100
DATE	4/2/08	REGISTRATION NUMBER	55,399

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 USC 122 and 37 CFR 1.11 and 1.14.  
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